IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3110 OF 1987

Britannia Industries Limited : Plaintiff

V/s.

Gayatri & Company : Defendant

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Mr.A.B.Nagvekar i/b. M/s.Solomon & Co., for the plaintiff.

None present for the defendant.

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CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 9, 2007.

P.C.

1. The writ of summons was served on 13.1.1988. However, no Written Statement is filed till date. I, therefore, consider it a fit case to proceed under Order VIII Rule 10 of the C.P.C.

2. In this suit, the plaintiff claims a decree in the sum of Rs.8,13,347/-. The suit is based on several purchase orders mentioned in paragraphs 3 to 6 placed by the plaintiff on the defendant for supply of maida i.e. flour. Accordingly, the plaintiff paid an amount of about Rs.15,94,250/- in advance. In pursuance of the order for 6,450 bags of flour, the defendant supplied 1,670 bags of

flour and submitted bills of the value of Rs.4,11,463/-. The plaintiff thus claimed the balance i.e. Rs.11,82,787/-. Thereafter, the plaintiff has received a sum of Rs.3,69,440/-. In the result, the plaintiff claims that there is now due and payable a sum of Rs.8,13,347/- in the outstanding balance due out of the amount aggregating to Rs.15,94,250/- paid and advanced by the plaintiff to the defendant.

3. The allegations in the plaint are uncontroverted. The defendant has not filed any written statement. Hence, the plaintiff is entitled to a decree as prayed for in the sum of Rs.8,13,347/- with interest at 12% per annum from the date of filing of the suit till payment.

4. Decree be drawn up accordingly.

S.A. BOBDE, J.